

MEMORANDUM OF UNDERSTANDING
South Main Street Reconstruction and Sustainable Development Retrofit Project
from Vickery Boulevard to Magnolia Avenue
City of Fort Worth, Tarrant County, Regional Transportation Council/North Central Texas
Council of Governments, and Fort Worth South, Inc.

This memorandum of understanding (MOU) is intended to outline an agreement between the funding partners for the construction of roadway and parkway improvements on South Main Street from Vickery Boulevard to Magnolia Avenue.

I. PROJECT BACKGROUND

In 2010, the Regional Transportation Council (RTC) selected the South Main Urban Village Sustainable Development Project for a \$3,000,000 funding award under the Sustainable Development Program of the North Central Texas Council of Governments (NCTCOG). The required local match of \$750,000 for the Project is being provided by Tax Increment Financing District #4 (TIF #4). Fort Worth South, Inc. administers TIF #4 on behalf of the City of Fort Worth.

Following the award of Sustainable Development funding for the Project, Fort Worth City staff worked with the Texas Department of Transportation (TxDOT) to remove the segment of South Main Street between Vickery Boulevard and Rosedale Street from the State Highway System. This action was accomplished by Minute Order #112543 of the Texas Transportation Commission on December 16, 2010.

The project partners subsequently worked together to identify the additional funding needed to design and construct a context-sensitive, multimodal street reconstruction/retrofit project that will better prepare the South Main Street corridor for new development and redevelopment of the type and density generally described in the adopted South Main Urban Village Master Plan and provided for under the Near Southside Development Standards and Guidelines. The South Main Street Reconstruction and Sustainable Development Retrofit Project (Project) is the result of combining funding from the City of Fort Worth, RTC/NCTCOG, Tarrant County, and TIF #4.

The Fort Worth Water Department agreed to fund the design and construction of certain water and sewer infrastructure improvements within the project boundaries. Fort Worth South, Inc. has worked with TIF #4 to secure additional funding to pay for the full design of the Project and to close the funding gap between the Sustainable Development award and the estimated construction cost of the Project. The Project is currently being designed under a Design Procurement Agreement with Fort Worth South, Inc. (City M&C C-26214). TIF #4 will be responsible for the design costs associated with the street, storm drain, and pedestrian facility improvements, estimated at \$487,210. The Water Department will be responsible for the design costs of the water and sewer improvements, estimated at \$160,000. NCTCOG and the City have discussed a potential loan of RTR funds to aid in the cash flow of TIF funding. If the loan is needed, a separate legal instrument will be prepared to outline the terms of the loan agreement, including payback schedule and interest.

Tarrant County agreed to contribute \$740,000 to offset the loss of federal earmark funds that were removed from the Project in order to streamline implementation, and to ensure that the South Main Street improvements could be designed and constructed using City standards and procedures. The \$740,000 in federal earmark funds will be added to existing federal funds on

the Six Points Urban Village Project. Transferring the federal earmark funds to the Six Points project will result in more significant streetscape improvements in the Six Points Urban Village. This Memorandum of Understanding does not encumber Tarrant County funds, bond or otherwise, as funds are encumbered via an Interlocal Agreement between Tarrant County and the City of Fort Worth.

Through this MOU, the Project partners hereby state the terms of agreement and concur with the resulting commitments made as a part of the South Main Street Reconstruction and Sustainable Development Retrofit Project funding and implementation strategy.

II. SCOPE OF WORK

The Project scope of work includes construction of the following elements:

- Water and sanitary sewer infrastructure
- Storm drainage infrastructure
- Roadway reconstruction/retrofit to a two-lane cross-section with left turn lanes and on-street parallel parking
- Bulb-outs to protect on-street parking and to reduce the pedestrian crossing distance
- Wider sidewalks
- Intersection improvements
- Bike lanes
- Street trees and landscaping
- Pedestrian and roadway lighting
- Traffic signals and signage
- Street furniture and other pedestrian amenities

III. ESTIMATED TOTAL PROJECT COST

Engineering and Environmental:	\$647,210
Franchise Utility Adjustments:	\$242,250
Construction:	\$5,908,000
Contingencies/Inflation Factor (13%):	\$807,350
Administration, Inspection, and Testing (15.5%):	<u>\$950,190</u>
TOTAL ESTIMATED PROJECT COST	\$8,555,000

IV. TOTAL PROJECT FUNDING

City of Fort Worth Water Department (design):	\$160,000
City of Fort Worth Water Department (construction):	\$1,905,000
Tarrant County (2006 Bond Program):	\$740,000
RTC/NCTCOG RTR Sustainable Development Funds:	\$3,000,000
TIF #4 Local Match to RTC/NCTCOG Funds:	\$750,000
TIF #4 Additional Funds (design):	\$487,210
TIF #4 Additional Funds:	<u>\$1,512,790</u>
TOTAL FUNDING	\$8,555,000

Funding includes \$3,000,000 in RTC/NCTCOG Sustainable Development Regional Toll Revenue (RTR) funds and \$740,000 in Tarrant County funds (to offset the loss of the same amount of federal earmark funds that were removed from the project). Fort Worth South, Inc. has secured \$750,000 in TIF #4 funds for the 20% local match to the RTR Sustainable Development funds. TIF #4 is committed to providing an additional \$2,000,000 to support final design and construction of the project.

Tarrant County Bond funds are limited to street construction, intersection improvements, sidewalks, basic landscaping, traffic signals, and basic illumination. Sustainable Development funds may be used to retrofit the roadway for multimodal uses including: on-street parking protected by bulb-outs, bike lanes, wider sidewalks, street trees and landscaping, pedestrian and roadway lighting, enhanced crosswalks, traffic signals, street furniture, and other pedestrian amenities.

V. IMPLEMENTATION STRATEGY, RESPONSIBILITIES, AND SCHEDULE

The South Main Street Reconstruction and Sustainable Development Retrofit Project will be jointly implemented by the City of Fort Worth, Tarrant County, NCTCOG, and Fort Worth South, Inc.

Fort Worth South, Inc. will take the lead on engineering design, having selected a design consultant for the Project using a public procurement process. The Fort Worth Water Department will work with the design consultant to prepare construction plans and specifications for the water and sanitary sewer infrastructure improvements within the Project boundaries.

The City of Fort Worth will work with Fort Worth South, Inc. and NCTCOG to obtain and document environmental clearance for the Project in compliance with City and NCTCOG requirements and procedures. The City will follow its usual procedures to acquire any rights-of-way or easements needed to complete the Project. The City also will take the lead to obtain any necessary franchise utility adjustments.

Fort Worth South, Inc. will take the lead on construction of the Project, following a public bid process and award of construction contract by Fort Worth South, Inc. through an infrastructure construction agreement with the City of Fort Worth. Fort Worth South, Inc. and the engineering consultant will work closely with the City on construction management, but the City will be responsible for all construction inspections on the project. Throughout the duration of the Project, Fort Worth South, Inc. will provide regular updates to the City of Fort Worth, Tarrant County, and NCTCOG. Fort Worth South, Inc. will ensure that all information necessary for the City to submit successful reimbursement requests to Tarrant County and to NCTCOG through the Sustainable Development Program is provided within ten days of a request by the City for such information. Further, Fort Worth South, Inc. will ensure that its selected design consultant and the construction contractor provide timely Project schedule updates to the City in compliance with the City's project management procedures.

Project Phase	Start Date	Completion Date	Responsible Agency
Design Engineering	11/2012	12/2013	Fort Worth South, Inc.
Environmental Clearance	10/2013	03/2014	City of Fort Worth
Right-of-Way/Easements	01/2014	06/2014	City of Fort Worth
Franchise Utility Adjustments	01/2014	06/2014	City of Fort Worth
Construction	03/2014	11/2015	Fort Worth South, Inc. and City of Fort Worth

VI. SIGNATURES

This agreement is contingent upon approval of the terms outlined herein by the policy body of each Project funding partner.

Fernando Costa, Assistant City Manager
City of Fort Worth

Date

B. Glen Whitley, Judge
Tarrant County

Date

Roy Charles Brooks, Commissioner
Tarrant County

Date

Michael Morris, Staff Director
Regional Transportation Council

Date

Paul Paine, President
Fort Worth South, Inc.

Date